



SACHI A. HAMAI  
Interim Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

April 10, 2015

To: Mayor Michael D. Antonovich  
Supervisor Hilda L. Solis  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe

From: Sachi A. Hamai  
Interim Chief Executive Officer

**MOTION TO SEND A FIVE-SIGNATURE LETTER TO THE LEGISLATURE, AND THE GOVERNOR, URGING A \$33.1 MILLION INCREASE FOR COURT APPOINTED DEPENDENCY COUNSEL; AND SEND A FIVE-SIGNATURE LETTER TO THE JUDICIAL COUNCIL IN SUPPORT OF THE RECOMMENDATIONS BY THE COURT APPOINTED DEPENDENCY COUNSEL FUNDING ALLOCATION WORK GROUP (ITEM NO. 11, AGENDA OF APRIL 14, 2015)**

Item No. 11 on the April 14, 2015 Agenda is a motion by Supervisor Ridley-Thomas to:

1. Immediately send a five-signature letter to the State Assembly, Senate and Governor, urging them to provide a \$33.1 million increase in the allocation for court appointed dependency counsel statewide; and
2. Send a five-signature letter to the Judicial Council in support of the recommendations made by the Court Appointed Dependency Counsel Funding Allocation Work Group, urging them to adopt and implement the recommendations.

### **Background**

Under existing law, dependency counsel appointed by the State to represent abused and neglected children and their parents are required to advocate for the protection, safety, physical, emotional well-being, and best interests of the child; make recommendations to the court concerning the child's welfare; advise the court of the

*"To Enrich Lives Through Effective And Caring Service"*

***Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only***

child's wishes; and investigate the interests of the child beyond the scope of the juvenile proceeding, among other required responsibilities.

Currently, court appointed dependency counsel average an estimated 250 clients per lawyer. According to a 2008 Judicial Council's Caseload Study, the basic caseload standard for representing children in foster care is a maximum of 188 clients, while the optimal standard is a maximum of 77 clients per attorney. In Los Angeles County, it is estimated that each child's attorney represents over 300 children.

### **Budget Proposal for Dependency Court Appointed Counsel**

The Children's Law Center of California is pursuing a budget proposal to provide a \$33.1 million increase in FY 2015-16, and annually thereafter, for dependency court appointed counsel to move caseloads to the recommended maximum of 188 clients per attorney.

Currently, the Judicial Council allocates \$103.7 million annually for dependency counsel to provide representation at a rate of one attorney for approximately 250 clients. Courts do not receive base funding for court appointed counsel in proportion to their dependency caseloads.

As previously reported, the California Supreme Court Chief Justice Justice Tani G. Cantil-Sakauye introduced on January 14, 2014 a blueprint outlining what is needed over three years to restore and improve access to justice in California in light of unprecedented State Budget cuts since 2008. The blueprint includes a budget proposal to provide a \$33.1 million increase per year, from FY 2014-15 through FY 2016-17, under the Judiciary Budget for court-appointed dependency counsel for parents and neglected children to reduce caseloads from 250 clients per attorney to 188.

The FY 2014-15 State Budget Act did not contain the County-supported budget proposal by the California Supreme Court Chief Justice, the Children's Law Center of California and others, to provide a \$33.1 million increase over three years under the Judiciary Budget for court-appointed dependency counsel. Although the Governor's FY 2015-16 Proposed Budget notes the current caseload crisis and indicates the intent to help reduce the number of cases per attorney, the budget does not include funding to achieve this goal relating to caseload.

This proposal to provide \$33.1 million in additional funding for court appointed dependency counsel is scheduled to be considered in the Assembly Budget Subcommittee No. 5 on Public Safety on April 22, 2015.

The proposal is supported by the County Welfare Directors Association; Alliance for Children's Rights; California Women's Law Center; Child Welfare Initiative; Children Now; FosterCare Counts; John Burton Foundation; Public Counsel; and the Youth Law Center, among others. There is no known opposition at this time.

The Department of Children and Family Services indicates that it is in the best interest of the child to have quality time with their attorney.

### **Court Appointed Dependency Counsel Funding Allocation Work Group Recommendations**

In 2014, the Judicial Council created the Court Appointed Dependency Counsel Funding Allocation Work Group to review and address the issue of equitable reallocation of current funds for court appointed dependency counsel statewide. The work group has developed a proposal with various recommendations, including:

- Judicial Council to approve a process to allocate annual funding for court appointed dependency counsel based on each court's funding need as calculated by the caseload funding model for juvenile dependency, and adjusted to available funding statewide;
- Each court would receive an equal percentage of its funding need. The percentage would be the available funding statewide divided by the total need statewide, or 75.7 percent at this time to achieve the 188 client target;
- Provide a 4-year reallocation process to bring all courts to an equivalent percentage of need met by available funding; and
- New funding provided for court appointed dependency counsel through the State budget process to be allocated to courts with a funding need.

Under the current proposal by the Court Appointed Dependency Counsel Funding Allocation Work Group, the County is estimated to receive a significant increase in funding for court-appointed dependency counsel based on information available at this time. It is important to note that some counties have expressed concerns that the proposal to reallocate funds would not benefit all counties favorably.

The Judicial Council is scheduled to vote on the proposal to reallocate funds on April 17, 2015.

### **Conclusion**

Support for the \$33.1 million budget request for dependency court appointed counsel is consistent with Board-approved action on April 1, 2014 to support this budget request, and consistent with existing Board policy to support proposals that enhance and improve child safety, and to support proposals to streamline Dependency Court procedures while ensuring the safety and best interests of children. **Therefore, approval of the motion to send a five-signature letter to the State Assembly, Senate and Governor, urging a \$33.1 million increase for court appointed dependency counsel statewide is consistent with Board-approved policy.**

However, there is no Board-approved policy relating to the recommendations by the Court Appointed Dependency Counsel Funding Allocation Work Group. **Therefore, sending a five-signature letter to the Judicial Council in support of the recommendations by the Court Appointed Dependency Counsel Funding Allocation Work Group, and urging them to adopt and implement the recommendations, is a matter of Board determination.**

We will continue to keep you advised.

SAH:JJ:MR  
OR:gl

c: Executive Office, Board of Supervisors  
County Counsel